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w/d
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

KUEHN : Group Art Unit: 3753
Appln. No.: 09/432,192 : Examiner: Walton, G.
Filed: November 2, 1999 : Conf. No.: 9730
For: PRESSURE SUPPORT SYSTEM
HAVING A TWO-PIECE ASSEMBLY

* * * * *

October 31, 2001

PETITION TO RESCIND HOLDING OF ABANDONMENT

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

In response to the Notice of Abandonment, dated September 24, 2001, petition is hereby made to withdraw the holding of abandonment in the above-referenced application.

Enclosed are a copy of:

1. A submission dated May 11, 2001 that includes (1) a copy of an Amendment filed in response to the Official Action dated February 13, 2001 and (2) a copy of Respironics' receipt postcard stamped "received" by the U.S. Patent & Trademark Office showing that this submission was received in the PTO on May 14, 2001, as indicated by the mailroom stamp.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Commissioner for Patents, Box DAC, Washington, DC, 20231 on this date October 31, 2001,
Express Mail Label No. EL491474790US.

Michael W. Haas

Michael W. Haas, Reg. No. 35,174

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Applicant notes that the May 11, 2001 Amendment includes a Certificate of Mailing under 37 C.F.R. § 1.8. Thus, even though the Amendment was received on May 14, 2001, it is entitled to the mailing date of May 11, 2001, which predates the due date of May 13, 2001.

Thus, the holding of abandonment should be withdrawn, as an Amendment responsive to the Official Action dated February 13, 2001 was filed on May 11, 2001. The filing of the Amendment is evidence by the attached copy of Respirationics' receipt postcard, which was stamped as received in the PTO on May 14, 2001.

For the reasons presented above, applicants respectfully submit that a response to the February 13, 2001 Official Action was timely filed, and the Notice of Abandonment dated September 24, 2001 was improperly issued. Accordingly, withdrawal of the holding of abandonment is earnestly solicited.

Respectfully submitted,

By Michael W. Haas

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